

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

7
8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

10 SPOKANE TRIBE OF INDIANS,)

11 Plaintiff/Intervenor,)

12 v.)

13 BARBARA J. ANDERSON, et al.,)

14 Defendants.)
15

No. CV-72-3643-JLQ

ORDER ADOPTING REPORT
AND RECOMMENDATION
AS TO SERVICE LIST

16 At the April 26, 2006, hearing before the Special Master for the presentation of
17 the Water Master's 2005 Report, the matter of clarifying the service list was discussed.

18 In 2005, Mrs. Smartt was added to the service list, as she advised she was a
19 business partner to Greg Axtell. At p. 6 of the Water Master's Annual Report for the
20 2005 Water Year, the Water Master explains Mrs. Smartt had paid for the delinquent fees
21 owing as to the Greg Axtell parcel. It appears Mrs. Axtell directed the Water Master to
22 return the payment to Mrs. Smartt, stating the Axtells would reimburse the Water Master
23 for the delinquent fees. The Water Master recommended that Mrs. Smartt's name be
24 removed from the service list and represented he would return Mrs. Smartt's payment
25 as soon as he receives payment from the Axtells. This had not occurred at the time of
26 the hearing.

27 However, neither Mrs. Smartt, nor the Axtells have filed an objection to the form
28

ORDER ADOPTING REPORT AND RECOMMENDATION
AS TO SERVICE LIST - 1

1 of the service list or to the Water Master's Report. It appears that the disagreement, if
2 any, is a matter collateral to these proceedings and is between Mrs. Smartt and the
3 Axtells. In addition, neither Mrs. Smartt nor the Axtells have filed an objection to the
4 Report and Recommendation addressing the service list. Accordingly,

5 **IT IS ORDERED** that the service list shall remain as is with respect to the above
6 parties, and that the Water Master may accept payment from Mrs. Smartt or the Axtells.

7 The Clerk of the Court is directed to provide a copy of this Order to all parties on
8 the attached Notice List.

9 Dated this 26th day of May, 2006.

10 s/ Justin L. Quackenbush
11 JUSTIN L. QUACKENBUSH
12 SENIOR UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28